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United States Department of Agriculture,

INSECTICIDE AND FUNGICIDE BOARD.

J. K. HAYWOOD, *Chairman*; M. B. WAITE, A. L. QUAINANCE, J. A. EMERY.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹

No. 39.

N. J. 701-725.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 13, 1921.]

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT OF 1910.

[Given pursuant to section 4 of the Insecticide Act of 1910.]

701. Misbranding of "La-Lo Animal Spray." U. S. * * * v. La-Lo Chemical Co. Plea of nolo contendere. Fine, \$20. (I. & F. No. 1022. Dom. Nos. 16262, 16147.)

On May 7, 1921, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the La-Lo Chemical Company, a corporation, trading at Providence, R. I., alleging shipments by said company, in violation of the Insecticide Act of 1910, on or about June 14, 1920, from the State of Rhode Island into the State of Massachusetts, of quantities of "La-Lo Animal Spray," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the respective statements, to wit, "Contents Half Gal.," or "Contents: One Gallon," borne and printed on the labels affixed to the outside of the cans containing the article, operated to state that the contents of each of the said cans were in terms of measure one-half gallon, or one gallon, as the case might be, of the said article, whereas the contents of each of the said cans were not plainly and correctly stated on the outside thereof in that in fact and in truth the contents of each of said cans were less than one-half gallon or one gallon, as the case might be, of the said article.

On May 19, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

¹ Free distribution will be limited to firms, establishments, and journals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each.

702. Misbranding of "Temple of Allah Incense." U. S. * * * v. F. K. James Co. Plea of guilty. Fine, \$50. (I. & F. No. 1039. Dom. No. 14801.)

On July 18, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. K. James Company, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about January 31, 1919, from the State of New York into the District of Columbia, of a quantity of "Temple of Allah Incense," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, regarding the article, to wit, "It will * * * purify the air. Destroys bad odors * * *. Drives away mosquitoes and summer pests." borne and printed on the display stand accompanying the article, and the statements regarding the article, to wit, "Directions: Place a small quantity (about one or two teaspoonfuls) on a metal tray or receptacle, light it and allow to smoulder." borne and printed on each of the cartons containing the said article, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented and professed that the article, when used as directed would purify the air, would destroy all bad odors, and would be an effective remedy against mosquitoes and all summer pests, whereas in fact and in truth the said article, when used as directed, would not purify the air, would not destroy all bad odors and would not be an effective remedy against mosquitoes and all summer pests. Misbranding was alleged for the further reason that the article consisted completely of inert substances, which inert substances do not prevent, destroy, repel, or mitigate insects, and the names and the percentage amounts of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on each or any label affixed to each or any of the said cartons.

On August 15, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

C. W. PUGSLEY, Acting Secretary of Agriculture.

703. Adulteration and misbranding of "Germicide Disinfectant." U. S. * * * v. Annie A. Bruette (The Dent Medicine Co.). Plea of guilty. Fine, \$25. (I. & F. No. 1041. Dom. No. 16139.)

On June 28, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Annie A. Bruette, trading as The Dent Medicine Company, Newburgh, N. Y., alleging shipment by said defendant, in violation of the Insecticide Act of 1910, on or about August 21, 1920, from the State of New York into the State of Rhode Island, of a quantity of "Germicide Disinfectant," which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement regarding the article, to wit, "Inert 5½ Water." borne and printed on each of the labels affixed to each of the bottles containing the said article, purported and professed that the strength and quality of the article were such that it contained inert matter, to wit, water, which inert matter, or substance, does not prevent, destroy, repel, or mitigate fungi, in the proportion of 5½ per centum, whereas, the strength and purity of the said article fell below the said professed standard and quality under which it was sold, in that in fact and

in truth it contained inert matter or substances, in a proportion greater than $5\frac{1}{2}$ per centum.

Misbranding was alleged for the reason that the statement, to wit, "Inert $5\frac{1}{2}$ Water" borne on the labels affixed to each of the bottles containing the said article, and the statements, to wit, "For use in infectious or contagious diseases, such as distemper, mange, etc., sprinkle the floor several times daily with a solution of Germicide, one tablespoonful to the quart of water. Also set a flat dish filled with the mixture on the floor. * * * For ordinary use in * * * kennels, stables, removing disagreeable odors * * * one part Germicide to 100 parts of water. Sprinkle freely over the floor, on the bedding, etc., two or three times daily." borne and printed on each of the cartons containing the said bottles, regarding the article were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented and professed that the article contained inert matter in the proportion of not more than $5\frac{1}{2}$ per centum, and that when used as directed, it would be effective for use in infectious or contagious diseases of dogs, such as distemper, mange, and the diseases of dogs indicated by the termination "etc." and would remove all disagreeable odors in kennels and stables, whereas in fact and in truth the article contained inert matter in a proportion greater than $5\frac{1}{2}$ per centum, and when used as directed it would not be effective for use in infectious or contagious diseases, such as distemper, mange and the diseases of dogs indicated by the termination "etc.", and would not remove all disagreeable odors in kennels and stables.

Misbranding was alleged for the further reason that the statement, regarding the article, to wit, "8 Fluid Ounces," borne on each of the labels affixed to each of the said bottles operated to state that the contents of each of the bottles were, in terms of measure, eight fluid ounces, whereas the contents of each of the said bottles were not correctly stated on the outside thereof, in that, in fact and in truth, the said contents were in terms of measure, less than eight fluid ounces.

On July 25, 1921, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

704. Adulteration and misbranding of "'Watch It Get 'Em' Powder for Poultry." U. S. * * * v. Glenwood Mfg. Co. Plea of guilty. Fine, \$20. (I. & F. No. 735. Dom. No. 14087.)

On September 10, 1919, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Glenwood Manufacturing Company, a corporation, Murray, Utah, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about November 8, 1917, from the State of Utah into the State of Arizona, of a quantity of "'Watch It Get 'Em' Powder for Poultry," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, borne and printed on each of the labels affixed to each of the packages or cans containing the article, to wit, "Sulphur powdered, 5 per cent" purported and professed that the standard and quality of the said article were such that it contained powdered sulphur in the proportion of 5 per centum, whereas the strength and purity of the said article fell below the said professed standard and quality in that it contained powdered sulphur in a proportion less than 5 per centum.

Misbranding was alleged for the reason that certain statements borne and printed on each of the labels affixed to each of the said packages or cans, and in the leaflets or circulars accompanying the same, to wit, (cans) "Sulphur powdered, 5 per cent." "It is a boon to the poultry raiser, as one operation rids the fowl of both head and body lice * * *. It is not necessary to catch each chicken and dust it. Merely sieve a little 'Watch-It-Get 'Em' on each chicken's back while on the roost at night. Two dustings this way usually produces the same results as catching each chicken and dusting it thoroughly. * * *" (Leaflet) "It is a boon to the poultryman, as it will rid the fowl of mites, head lice, and body lice. It is not necessary to catch each chicken and dust it, merely sprinkle a little powder on each chicken's back while on the roost at night." were false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented that the article contained powdered sulphur in the proportion of 5 per centum and that when used and applied in the method and manner as directed thereby it would be effective against lice which infest the heads and bodies of fowls, and against all mites, head lice and body lice which infest fowls, whereas in fact and in truth the said article contained powdered sulphur in a proportion less than 5 per centum and when used and applied in the method and manner as directed by the said statements it would not be effective against lice which infest the heads and bodies of fowls or against all mites, and head lice and body lice which infest fowls.

On July 31, 1920, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

705. Adulteration and misbranding of "'Watch It Get 'Em' Powder for Poultry." U. S. * * * v. Glenwood Mfg. Co. Plea of guilty. Fine, \$20. (I. & F. No. 736. Dom. No. 13746.)

On September 10, 1919, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Glenwood Manufacturing Company, a corporation, Murray, Utah, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about October 25, 1917, from the State of Utah into the State of California, of a quantity of "'Watch It Get 'em' Powder for Poultry," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that certain statements borne and printed on each of the labels affixed to each of the packages or cans containing the said article, to wit, "* * * Sulphur powdered, 5 per cent. Inert Ingredients 80 per cent." purported and professed that the standard and quality of the said article were such that it contained powdered sulphur in the proportion of 5 per centum, and that it consisted of inert ingredients, that is to say, substances which do not and did not prevent, destroy, repel, or mitigate insects, to wit, lice that infest poultry, and fungi, to wit, pathogenic bacteria that affect poultry, in the proportion of 80 per centum, whereas the strength and purity of the said article fell below the said professed standard and quality in that it contained powdered sulphur in a proportion less than 5 per centum and inert ingredients in a proportion greater than 80 per centum.

Misbranding was alleged for the reason that certain statements regarding the article, borne and printed on each of the labels affixed to each of the said packages or cans, to wit, "* * * Sulphur powdered, 5 per cent. Inert In-

redients 80 per cent." "It is a boon to the poultry raiser, as one operation rids the fowl of both head and body lice * * * It is not necessary to catch each chicken and dust it. Merely sieve a little 'Watch-It-Get-'Em' on each chicken's back while on the roost at night. Two dustings this way usually produces the same results as catching each chicken and dusting it thoroughly * * *," were false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article contained powdered sulphur in the proportion of 5 per centum, that it contained and consisted of inert ingredients, that is to say, substances which do not and did not prevent, destroy, repel or mitigate insects, to wit, lice that infest poultry, and fungi, to wit, pathogenic bacteria that affect poultry, in the proportion of 80 per centum, and that when used and applied in the method and manner as directed by the said statements, it would be effective against lice which infest the heads and bodies of fowls, whereas in fact and in truth the said article contained powdered sulphur in a proportion less than 5 per centum and inert ingredients, in a proportion greater than 80 per centum, and when used and applied in the method and manner as directed by the said statements it would not be effective against lice which infest the heads and bodies of fowls.

On July 31, 1920, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

706. Misbranding of "McConnon's Kre-01 No. 1." U. S. * * * v. McConnon and Co. Plea of nolo contendere. Judgment of guilty. Fine, \$10. (I. & F. No. 820. Dom. No. 13943.)

On November 16, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against McConnon and Company, a corporation, Winona, Minn., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about April 25, 1918, from the State of Minnesota into the State of Tennessee, of a quantity of "McConnon's Kre-01 No. 1," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, regarding the article, to wit, "One Quart," borne and printed on each of the labels affixed to each of the cans containing the said article, represented and operated to state that the contents of each of the said cans were, in terms of measure, one quart of the said article, whereas the contents of each of the said cans were not correctly stated on the said labels in that the contents of each of the said cans were in fact and in truth less than one quart of the said article.

On November 17, 1920, a plea of nolo contendere to the information was entered on behalf of the defendant company and the court entered a judgment of guilty and imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

707. Misbranding of "Compound Cresol Solution U. S. P." * * * v. Montgomery Ward & Co. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 884. Dom. No. 15108.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Montgomery Ward & Company, a corporation, Chicago, Ill., alleging shipment

by said company, in violation of the Insecticide Act of 1910, on or about August 23, 1919, from the State of Illinois into the State of Indiana, of a quantity of "Compound Cresol Solution U. S. P.," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that it consisted partially of an inert substance, to wit, water, which said inert substance did not and does not prevent, destroy, repel or mitigate insects, that is to say all types and varieties of insects and insect parasites that cause skin diseases of man or animals, or fungi, that is to say putrefactive and pathogenic bacteria, and the name and percentage amount of the said inert ingredient were not stated plainly and correctly on each or any label affixed to the bottles containing the said article, nor in lieu thereof were the names and percentage amounts of each and every ingredient of the said article having insecticidal or fungicidal properties, and the total percentage of the said inert ingredient present therein stated plainly and correctly on each or any label affixed to the said bottles.

On March 30, 1921, a plea of guilty to the information was entered on behalf of the defendant company and on July 1, 1921, the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

708. Misbranding of "Kelly's Dusting Powder." U. S. * * * v. The Kelly-Steinmetz Liquor Co. Plea of guilty. Fine, \$5. (I. & F. No. 911. Dom. No. 14221.)

On October 8, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Kelly-Steinmetz Liquor Company, a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about August 14, 1918, from the State of Minnesota into the State of Nebraska, of a quantity of "Kelly's Dusting Powder" which was a misbranded insecticide and fungicide within the meaning of said act. The article was labeled in part,

(Carton) "Kelly's Dusting Powder (Design) An antiseptic healing powder for barb wire cuts, harness sores, eruptions and wounds. Price \$1.00 Kelly Minneapolis, Minn. Directions For open sores and abrasions, add 30 drops Kelly's Disinfectant to a quart of warm water. Wash parts clean, dry with clean towel, and sprinkle affected part until entirely covered with powder. Spray houses thoroughly with Kelly's Disinfectant."

Misbranding of the article was alleged in substance in the information for the reason that the statement, regarding the said article borne and printed on each of the labels affixed to each of the cartons containing the article, to wit, "Directions For skin diseases, itching, etc., hold fowl by legs, head down, so that powder can be profusely sprinkled under feathers. Powder is antiseptic, healing and soothing; will drive away insects and prevent infection." was false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that it represented that the article, when used and applied in the method and manner as directed by the said statement, would drive away all kinds of insects that infest poultry and would prevent the infection of all infectious and contagious diseases of poultry, whereas in fact and in truth it would not.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than boric acid and aluminum sulphate, which said inert substances and ingredients do not and did not prevent, destroy, repel, or mitigate insects, to wit, insects that infest poultry and

fungi, to wit, fungi that cause skin diseases of poultry and that affect cuts, sores, eruptions and wounds on horses, and the names and percentage amounts of each and every one of the said inert ingredients so present in the said article were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the said cartons, nor in lieu of the names and percentage amounts of the said inert ingredients were the names and percentage amounts of each and every ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the said inert ingredients so present stated plainly and correctly or at all on each or any label affixed to each or any of the said cartons.

On October 8, 1920, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$5.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

709. Adulteration and misbranding of "Cre-Septic." U. S. * * * v. Theo. B. Robertson Products Co. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 912. Dom. No. 15566.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Theo. B. Robertson Products Company, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about July 10, 1919, from the State of Illinois into the State of Vermont, of a quantity of "Cre-Septic", which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in substance in the information for the reason that the statement borne on each of the labels affixed to each of the cans containing the said article, to wit, "Liquor Cresolis Compositus—Compound Solution of Cresol." purported and professed that the standard and quality of the said article were those prescribed in the United States Pharmacopoeia for the substance commonly known and recognized and therein described as "Liquor Cresolis Compositus" and "Compound Solution of Cresol" and that it contained, consisted and was composed of substances and ingredients in the proportions and percentages specified and prescribed in the said pharmacopoeia for the said substance, whereas its strength and purity fell below the said professed standard and quality in that it contained water, which substance does not prevent, destroy, repel, or mitigate pathogenic fungi, in a proportion and percentage much greater than that specified and prescribed by the said pharmacopoeia for water in the said substance and it contained cresol, and soda soap, which said substances do prevent, destroy, repel and mitigate pathogenic fungi, in proportions and percentages much less than the proportions and percentages specified and prescribed in the United States Pharmacopoeia for cresol and soda soap, respectively, in the said substance. Adulteration was alleged for the further reason that the statement, borne and printed on each of the said labels, to wit, "Inert matter—water—not exceeding 25%" purported and professed that the standard and quality of the said article were such that it contained an inert substance, to wit, water, which said inert substance does not prevent, destroy, repel, or mitigate pathogenic fungi, in the proportion of 25 per centum, whereas, the strength and purity of the said article fell below the said professed standard in that it contained water in a proportion much greater than 25 per centum.

Misbranding was alleged for the reason that the statement, borne and printed on each of the said labels, to wit, "Liquor Cresolis Compositus—Compound Solution of Cresol." was false and misleading and by reason of the said

statement the article was labeled and branded so as to deceive and mislead the purchaser in that it represented that the standard and quality of the said article were the standard and quality prescribed in the United States Pharmacopoeia for the substance commonly known recognized and therein described as "Liquor Cresolis Compositus" and as "Compound Solution of Cresol," and that it contained, consisted, and was composed of substances and ingredients in the proportions and percentages specified and prescribed in the said pharmacopoeia for the said substance, whereas in fact and in truth the said article contained water, which substance does not prevent, destroy, repel, or mitigate pathogenic fungi, in a proportion and percentage much greater than the proportion and percentage specified and prescribed by the said pharmacopoeia for water in the said substance, and it contained cresol and soda soap, which substances do prevent, destroy, repel, and mitigate pathogenic fungi, in a proportion and percentage much less than the proportions and percentages specified and prescribed by the said pharmacopoeia for cresol and soda soap, respectively, in the said substance. Misbranding was alleged for the further reason that the statement, regarding the said article borne and printed on each of the said labels, to wit, "Inert matter—water—not exceeding 25%" was false and misleading and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser in that it represented that the said article contained an inert substance, to wit, water, which said inert substance does not and did not prevent, destroy, repel or mitigate pathogenic fungi, in the proportion of 25 per centum, whereas in fact and in truth, it contained water in a proportion much greater than 25 per centum. Misbranding was alleged for the further reason that the statement, to wit, "Inert matter—water—no exceeding 25%" borne on each of the said labels represented that the said article consisted of water in the proportion of 25 per centum and the percentage amount of the said water was not stated correctly on each or any of the labels in that the said article consisted of water in a proportion greater than 25 per centum, and the name and the percentage amount of water so present in the said article were not stated plainly and correctly on each or any of the said labels in that the said statement was in small and inconspicuous letter, figures and characters, and was in a secluded position on each of the said labels, so as to be obscure and indistinct and not plainly to be seen or readily to attract the attention of the purchaser, nor in lieu of a plain and correct statement of the name and percentage amount of the water so present in the said article were the correct names and percentages amounts of each and every one of the ingredients of the article having fungicidal properties stated plainly or at all, and the total percentage of the inert ingredient, to wit, water, present in the said article stated plainly and correctly upon each or any of the said labels.

On May 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company and on July 1, 1921, the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

710. Adulteration and misbranding of "Webster's Lice Powder." U. S. * * * v. Noyes Brothers & Cutler. Plea of guilty. Fine, \$25. (I. & F. No. 922. Dom. No. 15090.)

On June 7, 1921, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Noyes Brothers & Cutler, a corporation, St. Paul, Minn., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about May 1, 1919, from the State

of Minnesota into the State of Montana, of a quantity of "Webster's Lice Powder," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, borne and printed on each of the labels affixed to each of the cartons containing the said article, to wit, "Webster's Lice Powder Active: Naphthaline 15%, Sulphur 40%, Phenols 1½%. Inert: 43¾%" purported and professed that the standard and quality of the article were such that it contained and consisted of active ingredients, that is to say, substances which prevent, destroy, repel, or mitigate insects, to wit, sulphur in the proportion of 40 per centum, and phenols in the proportion of 1½ per centum, and that it contained and consisted of inert ingredients, that is to say, substances which do not prevent, destroy, repel or mitigate insects, in the proportion of 43¾ per centum, whereas, the strength and purity of the said article fell below the said professed standard and quality in that it contained and consisted of sulphur in a proportion less than 40 per centum and phenols in a proportion less than 1½ per centum, and of inert ingredients, in a proportion greater than 43¾ per centum.

Misbranding was alleged for the reason that the statement aforesaid, borne and printed on each of the said labels was false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that the said statement represented that the article contained and consisted of active ingredients, to wit, sulphur in the proportion of 40 per centum and phenols in the proportion of 1½ per centum, and that it contained and consisted of inert ingredients in the proportion of 43¾ per centum, whereas in truth and in fact the said article contained and consisted of sulphur in a proportion less than 40 per centum, and phenols in a proportion less than 1½ per centum, and of inert ingredients in a proportion greater than 43¾ per centum.

On June 7, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

711. Adulteration and misbranding of "Ozol." U. S. * * * v. Sunbeam Chemical Co. Pleas of guilty. Fines, \$100 and costs. (I. & F. Nos. 923, 924. Dom. Nos. 15016, 15583.)

On December 13, 1920, the United States Attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Sunbeam Chemical Company, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about May 20 and September 9, 1919, from the State of Illinois into the States of Texas and New York, respectively, of quantities of "Ozol" which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the informations for the reason that the statement, borne and printed on each of the labels affixed to each of the bottles containing the said article, to wit, "Inert Ingredients Less than 3% by Weight" purported and professed and represented that the standard and quality of the said article were such that it contained inert ingredients, that is to say, ingredients or substances which did not and do not prevent, destroy, repel or mitigate fungi in a proportion less than 3 per centum by weight, whereas in truth and in fact the strength and purity of the said article fell below the said professed standard and quality under which it was sold in that:

it contained inert ingredients in a proportion greater than 3 per centum by weight.

Misbranding was alleged for the reason that the article consisted partially of an inert substance, to wit, water, which said inert substance did not and does not prevent, destroy, repel or mitigate fungi, and the name and percentage amount of the said inert ingredient so present therein were not stated plainly and correctly on each or any label affixed to each or any of the bottles containing the article, nor in lieu thereof were the names and percentage amounts of each and every ingredient of the said article having fungicidal properties and the total percentage of the said inert ingredient so present therein stated plainly and correctly on each or any label affixed to each or any of the said bottles.

Misbranding was alleged for the further reason that certain statements, borne and printed on each of the labels affixed to the bottles containing the said article, to wit, "Inert Ingredients Less Than 3% by Weight." "A solution of cresols or higher phenol homologues. * * * The ideal antiseptic, disinfectant and deodorant—Uses * * * Drains Three teaspoonfuls to one quart of water. Ozol is a concentrated liquid mixture of Cresols or higher Phenol homologues, rendered slightly alkaline with Sodium Hydroxide * * *," were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article contained inert ingredients, that is to say, ingredients or substances which did not and do not prevent, destroy, repel or mitigate fungi, in a proportion less than 3 per centum by weight, that it consisted wholly of a solution of cresols or higher phenol homologues, that when applied in the strength and proportion as directed by said statements, it would disinfect drains, and that it consisted wholly of a concentrated liquid mixture of cresols or higher phenol homologues, whereas in truth and in fact the said article contained inert ingredients in a proportion greater than 3 per centum by weight, it did not consist wholly of a solution of cresols or higher phenol homologues, or of a concentrated liquid mixture of cresols or higher phenol homologues, but did consist of a mixture of cresols, soap, water and coal tar oils, and the said article when applied in the strength and proportion as directed in the said statements, would not disinfect drains.

On March 30, 1921, pleas of guilty to the informations were entered on behalf of the defendant company and on July 1, 1921, the court imposed fines in the aggregate sum of \$100, together with costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

712. Misbranding of "Hill's Instantaneous Non-Poisonous Bug Killer."
U. S. * * * v. Schramm-Johnson, Drugs. Plea of guilty. Fine,
\$50. (I. & F. No. 932. Dom. No. 15404.)

On November 30, 1920, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Schramm-Johnson, Drugs, a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about August 18, 1919, from the State of Utah into the State of Nevada, of a quantity of "Hill's Instantaneous Non-Poisonous Bug Killer," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Average thirteen fluid ounces net contents," borne and printed on each of the labels affixed to the bottles containing the said article represented and professed that the contents of each of the bottles were in terms

of measure 13 fluid ounces, whereas the contents of the said bottles were not correctly stated on the outside thereof in that in fact and in truth the said contents were, in terms of measure less than 13 fluid ounces of the said article. Misbranding was alleged for the further reason that certain statements regarding the article, borne and printed on each of the said labels, to wit, "For roaches, ants, bed bugs, croton bugs, mosquitoes, and all animal and garden insects." were false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented and professed that the article was an effective remedy against all kinds of insects that infest animals and all kinds of insects that infest gardens, whereas in fact and in truth it would not be an effective remedy against all kinds of insects that infest animals or gardens.

On November 30, 1920, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

713. Adulteration and misbranding of "Cooper's Roach Powder." U. S. * * * v. Charles E. Timson (William Cooper & Nephews). Plea of guilty. Fine, \$50 and costs. (I. & F. No. 935. Dom. No. 14795.)

On February 7, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles E. Timson, trading as William Cooper & Nephews, Chicago, Ill., alleging shipment by said defendant, in violation of the Insecticide Act of 1910, on or about January 14, 1919, from the State of Illinois into the State of Alabama, of a quantity of "Cooper's Roach Powder", which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that certain statements borne and printed on each of the labels affixed to each of the packages containing the said article, to wit, "Active Ingredients 40% to 50%. Inactive Ingredients, Flour 60% to 50% to entice Roaches to eat powder" purported and professed that the standard and quality of the article were such that it contained and consisted of active ingredients, that is to say, ingredients that did and do prevent, destroy, repel and mitigate roaches, in the proportion of 40 to 50 per centum, and that it contained and consisted of inactive ingredients, that is to say, substances which did not and do not prevent, destroy, repel or mitigate roaches in a proportion not greater than 60 per centum, whereas in truth and in fact the strength and purity of the said article fell below the said professed standard and quality in that it contained and consisted of active ingredients in a proportion less than 40 per centum, and of inactive ingredients, in a proportion greater than 60 per centum.

Misbranding was alleged for the reason that the above quoted statements, regarding the article, borne and printed on each of the said labels, were false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented that the article contained and consisted of active ingredients, that is to say, substances which did and do prevent, destroy, repel and mitigate roaches, in a proportion not less than 40 per centum, and that it contained and consisted of inactive ingredients, that is to say, substances which did not and do not prevent, destroy, repel, or mitigate roaches, in a proportion not more than 60 per centum, whereas in fact and in truth the said article contained active ingredients, in a proportion less than 40 per centum and inactive ingredients, in a proportion greater than 60 per centum. Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit,

substances other than sodium fluoride and sodium bifluoride, which said inert substances did not and do not prevent, destroy, repel or mitigate roaches and the names and percentage amounts of each and every one of the said inert substances and ingredients so present therein were not stated plainly and correctly on each or any label affixed to each or any of the packages containing the said articles, nor in lieu thereof were the names and percentage amounts of each and every ingredient of the said article having insecticidal properties, and the total percentage of the said inert ingredients so present therein stated plainly and correctly on each or any label affixed to each or any of the said packages.

On May 5, 1921, the defendant entered a plea of guilty to the information and on July 1, 1921, the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

714. Adulteration and misbranding of "Smith's Arsenate of Lead Products." U. S. * * * v. 160 Cartons of "Smith's Arsenate of Lead Products." Default decree ordering destruction of the product. (I. & F. No. 737. S. No. 59.)

On June 30, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 160 cartons of "Smith's Arsenate of Lead Products." It was alleged in the libel that the article has been shipped by H. J. Smith, Utica, N. Y., on or about December 2, 1918, from the State of New York into the State of Virginia, and that having been so transported it remained unsold in the original unbroken packages at Norfolk, Va., and that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel for the reason that the words and statement, to wit, "Smith's Arsenate of Lead Products" borne and printed on each of the labels affixed to each of the cartons containing the said article purported and professed that the standard and quality of the said article were those of arsenate of lead and that the said article was arsenate of lead, whereas the strength and purity of the article fell below the said professed standard and quality in that it was not arsenate of lead, but was a mixture of arsenate of lead and substances other than arsenate of lead, to wit, calcium arsenate, lime, magnesium oxide and other substances and compounds, which substances and compounds had been substituted in part for arsenate of lead. Adulteration was alleged for the further reason that by reason of certain words and statements, to wit, "Directions. This material is specially manufactured for the efficient killing of all leaf, bud and fruit chewing insects that infest fruit and shade trees and garden crops. It may be used either as a wet spray, or as a dry dust. If the latter method is adopted, the material may be used just as it comes from the package. When used as a wet spray, pour the water into the mixing tank first, then add the powder, and stir thoroughly. For ordinary treatment of the usual insect pests, use 2 to 4 pounds of the insecticide to 50 gallons of water, spraying as frequently as may be necessary." borne and printed on each of the labels affixed to each of the said cartons, the article was intended to be used on all kinds of fruit trees in the strength and proportion and in the method and manner as directed by the said statements, whereas the article, when prepared and when used on and applied to certain fruit trees, to wit, the peach and Japanese plum, in the strength and proportion and in the method and manner as directed thereby would cause injury to the said fruit trees.

Misbranding of the article was alleged for the reason that the above quoted statements, together with the statement, to wit, "Inert Ingredients (not more than)---- 25.0%" borne and printed on the labels affixed to each of the said

cartons were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article was arsenate of lead, that it contained inert ingredients, that is to say, substances which do not prevent, destroy, repel, or mitigate insects, in a proportion not greater than 25 per centum, and that when prepared, used and applied in the strength and proportion and in the method and manner as directed thereby the said article would be efficient for killing all leaf-chewing, all bud-chewing and all fruit-chewing insects and all usual insect pests that infest fruit trees, shade trees or garden crops, whereas in fact and in truth the said article was not arsenate of lead, but did consist of a mixture of arsenate of lead and substances other than arsenate of lead, to wit, calcium arsenate, lime, magnesium oxide and other substances and compounds, it did contain inert ingredients in a proportion greater than 25 per centum, and when prepared, used and applied in the strength and proportion and in the method and manner as directed by the said statements it would not be efficient for killing all leaf-chewing, all bud-chewing, all fruit-chewing insects, or all usual insect pests that infest fruit trees, shade trees and garden crops. Misbranding was alleged for the further reason that a certain invoice delivered by the shipper to the consignee which described the article as "Arsenate of lead" and the statement "Smith's Arsenate of Lead Products" borne on the said labels, represented that the said article was arsenate of lead, whereas in fact and in truth it was not but was an imitation of and was offered for sale under the name of another article, to wit, arsenate of lead. Misbranding was alleged for the further reason that the said article consisted partially of inert substances, to wit, substances other than lead arsenate and calcium arsenate, which said inert substances and ingredients do not and did not prevent, destroy, repel or mitigate insects, and the names and the percentage amounts of each and every one of the said inert ingredients so present in the article were not stated plainly and correctly on each or any label affixed to each or any of the said cartons, nor in lieu of the names and percentage amounts of the inert ingredients so present therein were the names and the percentage amounts of each and every ingredient of the said article having insecticidal properties, and the total percentage of the inert ingredients so present therein stated plainly and correctly on each or any label affixed to each or any of the said cartons.

On September 9, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product should be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

715. Misbranding of "American Lice Killer." U. S. * * * v. Chauncey A. Jones and P. E. Prouse (The American Remedy Co.). Pleas of guilty. Fine, \$50 and costs. (I. & F. Nos. 767, 768. Dom. Nos. 14060, 14148.)

On February 10, 1920, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Chauncey A. Jones and P. E. Prouse, trading as the American Remedy Company, Tiffin, Ohio, alleging shipment by said defendants in violation of the Insecticide Act of 1910, on or about June 22, and December 12, 1917, respectively, from the State of Ohio into the States of Pennsylvania and Missouri, respectively, of quantities "American Lice Killer," which was a misbranded insecticide and fungicide within the meaning of the act.

Misbranding of the article was alleged in the informations for the reason that certain statements, regarding the article, borne and printed on each of the labels affixed to the cans containing the said article, to wit:

"A strong disinfectant, germicide. A perfect deodorizer * * * Destroys all parasites, germs of contagious diseases which infest poultry houses, stables, pens, pigeon lofts, etc. Also destroys foul gases, noxious odors, and should be used in all cases where poisonous and obnoxious odors exist. Directions * * * Sprinkle freely about the coops, roosts, nests, etc., as it will destroy all germs of contagious diseases."

"Sure death to all vermin * * * American Lice Killer will, if directions are followed, never fail to destroy * * * ticks, * * * roaches, and other vermin. It will also destroy bugs and insects on currant and rose bushes and all garden truck."

"Destroys * * * ticks on * * * cattle, * * * Directions * * * For * * * cattle, * * * Sprinkle 'American Lice Killer' well on the back and sides of the animal, then rub in well with a comb or brush."

were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article was a perfect deodorizer and would destroy all foul gases and all noxious odors in and about poultry houses, stables, pens or pigeon lofts, all parasites and germs of contagious diseases which infest poultry houses, stables, pens, or pigeon lofts, and would destroy all types and varieties of ticks on cattle when used in the method and manner as directed, and that it would be effective against and would destroy roaches and all vermin and would be effective against all bugs and all insects that infest currant bushes, rose bushes, or garden truck, whereas in truth and in fact it was not a perfect deodorizer, and would not destroy all foul gases or all noxious odors in and about poultry houses, stables, pens or pigeon lofts, would not destroy all parasites or germs of contagious diseases which infest poultry houses, stables, pens or pigeon lofts, and would not destroy all types and varieties of ticks that infest cattle, when used in the method and manner as directed, would not be effective against and would not destroy roaches and all vermin, and would not be effective against all bugs or all insects that infest currant bushes, rose bushes or garden truck.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than naphthalene, calcium oxide, calcium hydroxide and nicotine, or naphthalene, calcium oxide, and calcium hydroxide, as the case might be, which said inert substances and ingredients do not and did not prevent, destroy, repel or mitigate insects or fungi, and the names and the percentage amounts of each and every one of the said inert ingredients so present therein were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the said article, nor in lieu of the names and percentage amounts of the said inert ingredients so present therein were the names and percentage amounts of each and every ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the said inert ingredients so present in the said article, stated plainly and correctly, or at all, on each or any label affixed to each or any of the said cans.

On March 26, 1920, the defendants entered pleas of guilty to the informations and the court imposed fines in the aggregate sum of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

716. Adulteration and misbranding of "Diamond Bug Killer." U. S. * * * v. Chauncey A. Jones (American Insecticide Co.). Plea of guilty. Fine, \$25 and costs. (I. & F. No. 655. Dom. No. 12113.)

On March 13, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chauncey

A. Jones, trading as the American Insecticide Company, Medina, Ohio, alleging shipment by said defendant in violation of the Insecticide Act of 1910, on or about June 9, 1916, from the State of Ohio into the State of Indiana of a quantity of "Diamond Bug Killer," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the following statements, designs and devices, to wit, "Active ingredients: Naphthaline 15% Nicotine .01%, Pyrethrum Powder 5½% Sulphur 5% Inert Ingredients 74.49%," borne on the labels affixed to the drums containing the said article, purported and professed that the standard and quality of the said article was such that it contained naphthaline in the proportion of 15 per centum and sulphur in the proportion of 5 per centum, whereas the strength and purity of the said article fell below the said professed standard and quality in that in fact and in truth it contained naphthaline in a proportion less than 15 per centum and did not contain any sulphur.

Misbranding was alleged for the reason that the statements designs and devices, regarding the article and the ingredients and substances contained therein, to wit,

"Active Ingredients: Naphthaline 15%, Nicotine .01%, Pyrethrum Powder 5½%, Sulphur 5% Inert Ingredients 74.49%."

"Diamond Bug Killer * * * Kills the potato bug, bugs and insects of all descriptions on goose berries, currants, flower and rose bushes, cabbage, cucumbers, melons, and all vegetables. Guaranteed the quickest fertilizer known. It not only destroys bugs and insects, but is without doubt the quickest and safest fertilizer known * * *. Directions. Use dry and when the dew is on. Can be used in spray if desired. For cabbage. Sprinkle well over the plant. * * *. For goose berries, currant, flower and rose bushes dust lightly over the bush: as a fertilizer, dust a small amount about the roots. This will aid wonderfully in the growth and also insure a large yield. * * *. For potato vines dust well on the vine using it when the dew is on. Care should be taken to get it well distributed over the vine. Go over them as soon as they are up nicely and again every three weeks. This will keep your vines free from bugs and insects * * *. For canker and cut worms on cucumbers, melons, beans, etc., dust well over the plant; this will rid all bugs and insects. Place a small amount in each hill when planting the seed, this * * * will prevent the plant from being cut off at top of ground. Any that falls about the plant is not lost as it is unequaled as a fertilizer. * * * Diamond Bug Killer is the only preparation known that will positively destroy the canker and cut worms on cucumbers and melons."

borne on the labels affixed to the said drums were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article contained naphthaline in the proportion of 15 per centum and sulphur in the proportion of 5 per centum, and that when used and applied in the method and manner as directed thereby it would be effective against potato bugs, bugs and insects of all descriptions that infest gooseberry bushes, currant bushes, bushes cultivated for flowers, rose bushes, cabbage plants, cucumber vines, melon vines and all vegetable plants and vines, against canker worms and cut worms that attack cucumber vines, melon vines, bean plants, and all other vegetable plants and vines, and would prevent cucumber vines, melon vines and bean plants, and all other vegetable plants and vines from being cut off at the top of the ground by cut worms, that it would be the quickest known substance in action and effects as a fertilizer on potato vines, gooseberry bushes,

currant bushes, bushes cultivated for flowers, rose bushes, cabbage plants, cucumber vines, melon vines and all vegetable plants and vines, would insure a large yield of fruit and flowers on gooseberry bushes, currant bushes, bushes cultivated for flowers and rose bushes and would be the most efficient substance that could be used as a fertilizer for cucumber vines, melon vines, bean plants, and other vegetable plants and vines, whereas in fact and in truth the said article contained naphthaline in a proportion less than 15 per centum and did not contain any sulphur, and when used and applied in the method and manner as directed by the said statements it would not be effective to accomplish the results claimed for it therein.

Misbranding was alleged for the further reason that the said article consisted partially of inert substances, to wit, substances other than naphthaline, nicotine, and pyrethrum powder, which said inert substances and ingredients did not and do not prevent, destroy, repel or mitigate insects, and the names and percentage amounts of each and every one of the said inert ingredients present in the said article were not stated plainly and correctly on each or any label affixed to each of any of the drums containing the said article nor in lieu of the names and percentage amounts of the said inert ingredients, were the names and percentage amounts of each and every ingredient of the article having insecticidal properties, and the total percentage of the said inert ingredients present therein, stated plainly and correctly on each or any label affixed to each or any of the said drums.

On March 26, 1920, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

717. Adulteration and misbranding of "Smith's Arsenate of Lead Products." U. S. * * * v. H. J. Smith (H. J. Smith & Co.). Pleas of nolo contendere. Fines, \$350 and costs. (I. & F. Nos. 838, 843, 845 to 848, incl., 850. Dom. Nos. 15208, 14736, 14926, 14859, 15302, 15334, 14040.)

At the April 1920 term of the United States District Court within and for the Northern District of Ohio, the United States attorney for said district, acting upon reports by the Secretary of Agriculture, filed in the district court aforesaid informations against H. J. Smith, trading as H. J. Smith & Company, Cleveland, Ohio, alleging shipment by said defendant, in violation of the Insecticide Act of 1910, from the State of Ohio, on or about January 25 and February 27, 1919, respectively, into the State of Pennsylvania, on or about February 19, 1919, into the States of Tennessee and Massachusetts, respectively, and on or about February 1, February 7, and March 5, 1919, into the States of Iowa, Virginia and New Hampshire, respectively, of quantities of an article labeled in part "Smith's Arsenate of Lead Products * * * Manufactured for H. J. Smith & Company, Utica, N. Y.," and invoiced as "Arsenate of Lead," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in substance in the informations for the reason that the said defendant did send and deliver to the respective consignees, invoices in which the said article was described as "Arsenate of Lead," which statement purported and professed that the standard and quality of the article were those of arsenate of lead, and that the article was arsenate of lead, whereas in fact and in truth the strength and purity of the said article fell below the said professed standard and quality under which it was sold in that it was not arsenate of lead, but consisted partially of substances other than arsenate of lead, to wit, calcium arsenate, lime, magnesium oxide and other substances and compounds which said substances and compounds had been substituted in part for arsenate of lead.

Misbranding was alleged for the reason that the statement "Arsenate of Lead," describing the said article, appearing in the invoices sent and delivered to the respective consignees, purported and professed that the article was arsenate of lead, whereas in fact and in truth it was an imitation of arsenate of lead and was offered for sale under the name of another article, in that it was not arsenate of lead but was a mixture of arsenate of lead and substances other than arsenate of lead to wit, calcium arsenate, lime, magnesium oxide and other compounds.

On September 17, 1920, the defendant entered pleas of *nolo contendere* to the informations and the court imposed fines in the aggregate sum of \$350 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

718. Adulteration and misbranding of "Smith's Arsenate of Lead Products." U. S. * * * v. H. J. Smith (H. J. Smith & Co.). Plea of *nolo contendere*. Fine, \$50 and costs. (I. & F. No. 801. Dom. No. 14957.)

On April 30, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. J. Smith, trading as H. J. Smith & Company, Cleveland, Ohio, alleging shipment by said defendant, in violation of the Insecticide Act of 1910, on or about January 3, 1919, from the State of Ohio into the State of Oregon, of a quantity of "Smith's Arsenate of Lead products", which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in substance in the information for the reason that the said defendant did send and deliver to the consignee a certain invoice describing the article as "Arsenate of Lead", which statement purported and professed that the standard and quality of the said article were those of arsenate of lead, and that it was arsenate of lead, and the cartons containing the said article were packed in certain boxes or cases which cases had affixed thereto a label which bore the words "Arsenate of Lead Products", and the words "Arsenate of Lead" were in letters so large in size as to be conspicuous and the word "Products" was in letters so small in size as to be inconspicuous, and by reason thereof the said statement purported and professed that the standard and quality of the article were those of arsenate of lead and that it was arsenate of lead, whereas the strength and purity of the said article fell below the said professed standard and quality in that it was not arsenate of lead but consisted partially of substances other than arsenate of lead, to wit, calcium arsenate, lime, magnesium oxide and other substances and compounds, which said substances and compounds had been substituted in part for arsenate of lead.

Adulteration was alleged for the further reason that by reason of certain statements, borne and printed on each of the labels affixed to the said cartons the article was intended to be used on all kinds of fruit trees in the strength and proportion and in the method and manner as directed by the said statements, whereas the said article, when prepared and used and applied to certain kinds of fruit trees, to wit, the peach and the Japanese plum, in the strength and proportion and in the method and manner as directed thereby would cause injury to the said fruit trees.

Misbranding of the article was alleged in substance in the information for the reason that the statement, "Arsenate of Lead" appearing in the invoice as aforesaid, and the statement "Arsenate of Lead Products" appearing in the label on the said cases, lettered and arranged as aforesaid, purported and

professed that the said article was arsenate of lead, whereas it was an imitation of arsenate of lead and was offered for sale under the name of another article, in that it was not arsenate of lead, but was a mixture of arsenate of lead and substances other than arsenate of lead, to wit, calcium arsenate, lime, magnesium oxide and other compounds.

Misbranding was alleged for the further reason that the statement to wit, "Smith's Arsenate of Lead Products Dry Powdered" borne and printed on each of the labels affixed to each of the said cartons was false and misleading in that it represented that the said article was arsenate of lead, whereas in fact and in truth it was not arsenate of lead, but did consist of a mixture of arsenate of lead and substances other than arsenate of lead, to wit, calcium arsenate, lime, magnesium oxide and other compounds.

Misbranding was alleged for the further reason that the words and figures regarding the article, to wit:

"Active Ingredients

Arsenate of Lead (not less than)-----	50.0%
Arsenate of Calcium (not less than)-----	25.0%
Inert Ingredients (not more than)-----	25.0%
Total Arsenic Oxide (not less than)-----	27.5%
Total Arsenic (as metallic) (not less than)-----	17.8%
Arsenic (as metallic) soluble in water (not more than)-----	1.0% "

borne and printed on each of the labels affixed to each of the said cartons, were false and misleading, and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article consisted of arsenate of calcium in a proportion not less than 25 per centum and of arsenic, equivalent to and expressed as metallic arsenic, in a proportion not less than 17.8 per centum, whereas in fact and in truth it consisted of arsenate of calcium in a proportion much less than 25 per centum and of arsenic, equivalent to and expressed as metallic arsenic, in a proportion less than 17.8 per centum.

Misbranding was alleged for the further reason that the statements, to wit:

"Directions. This material is especially manufactured for the efficient killing of all leaf, bud and fruit chewing insects that infest fruit and shade trees and garden crops. It may be used either as a wet spray or as a dry dust. If the latter method is adopted, the material may be used just as it comes from the package. When used as a wet spray, pour the water into the mixing tank first then add the powder, and stir thoroughly. For ordinary treatment of the usual insect pests use 2 to 4 pounds of the insecticide to 50 gallons of water, spraying as frequently as may be necessary."

borne on the said labels, were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article, when prepared, used and applied in the strength and proportion and in the method and manner as directed thereby, would be efficient for killing all leaf chewing, all bud chewing, all fruit chewing insects and all usual insect pests that infest fruit trees, shade trees, or garden crops, whereas in fact and in truth it would not.

Misbranding was alleged for the further reason that the said article contained arsenic in combinations thereof and the total amount of the said arsenic so present therein was not correctly stated, expressed as per centum of metallic arsenic on each or any label affixed to each or any of the cartons containing the said article.

Misbranding was alleged for the further reason that the said article consisted partially of inert substances, to wit, substances other than lead arsenate

and calcium arsenate, which said inert substances and ingredients did not and do not prevent, destroy, repel or mitigate insects, and the names and the percentage amounts of each and every one of the said inert ingredients were not stated plainly and correctly on each or any label affixed to each or any of the said cartons, nor in lieu of the names and percentage amounts of the said inert ingredients were the names and percentage amounts of each and every ingredient of the said article having insecticidal properties and the total percentage of the said inert ingredients so present therein, stated plainly and correctly on each or any label affixed to each or any of the said cartons.

On September 17, 1920, the defendant entered a plea of *nolo contendere* to the information and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

719. Adulteration and misbranding of "Mayhew's Germicide." U. S. * * * v. Mead L. Mayhew and William G. Adams (Mayhew Remedy Co.). Plea of guilty. Fine, one cent. (I. & F. No. 772. Dom. No. 14184.)

On May 1, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mead L. Mayhew and William C. Adams, trading as the Mayhew Remedy Company, Chicago, Ill., alleging shipment by said defendants in violation of the Insecticide Act of 1910, on or about June 25, 1918, from the State of Illinois into the State of Michigan, of a quantity of "Mayhew's Germicide," which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that certain statements, designs and devices borne and printed on each of the labels affixed to each of the cans containing the said article, to wit, "Mayhew's Germicide is absolutely non-poisonous, being made exclusively from the oils of pine and eucalyptus," purported and professed that the standard and quality of the article were such that it contained and consisted exclusively of pine oil and eucalyptus oil, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold, in that, in fact and in truth, it did not consist exclusively of pine oil and eucalyptus oil, but did contain and partially consist of other substances and ingredients, to wit, mineral oil, soap and water.

Misbranding was alleged for the reason that certain statements regarding the article, to wit,

"Mayhew's Germicide keeps the rabbits, cavies, cats, dogs and all other pets in better health by giving off oxygen very freely, * * * Directions for use: 'Mayhew's' Liquid Germicide diluted to 50 parts of water should be sprinkled about or sprayed on floors, wall and ceilings of buildings after each cleaning. All damp places in hutches should be covered with sawdust well saturated with 'Mayhew's' Germicide. Dilution 1 to 50. Tablespoonful Germicide to 1½ pints water; quart Germicide 12 Gallons. Made exclusively from the oils of pine and eucalyptus."

borne and printed on each of the said labels were false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article, when used and applied in the proportion and in the method and manner as directed would give off oxygen and that it would disinfect and purify the air of places occupied by rabbits, cavies, cats, dogs and other pets, and that it was made exclusively from pine oil and eucalyptus oil, whereas in truth and in fact, the said article, when used and applied in the proportion and in the method and

manner as directed would not give off oxygen, and would not disinfect and purify the air of places occupied by rabbits, covies, cats, dogs and other pets and the said article was not made exclusively from pine oil and eucalyptus oil, but did contain and partially consist of other substances and ingredients, to wit, mineral oil, soap and water. Misbranding was alleged for the further reason that the word "Quart," borne and printed on the said labels represented and operated to state that the contents of each of the said cans were in terms of measure one quart of the said article, whereas, the contents of each of the said cans were not correctly stated on the outside of each of the said cans, in that the contents thereof were in fact and in truth less than one quart. Misbranding was alleged for the further reason that the article consisted of inert substances and ingredients to wit, water and mineral oil, which said inert substances and ingredients do not and did not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, and the name and percentage amounts of each and every one of the said inert ingredients so present in the said article were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the said cans, nor in lieu thereof were the names and the percentage amounts of each and every ingredient of the said article having fungicidal properties, and the total percentage of the said inert ingredients so present therein stated plainly and correctly, or at all, on each or any label affixed to each or any of the said cans.

On March 30, 1921, the defendants entered pleas of guilty to the information and on July 1, 1921, the court imposed a fine of one cent.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

720. Adulteration and misbranding of "Besto Stock Dip." U. S. * * * v. Elmer K. Cole and I. J. Ketman (Scarless Remedy Co.). Plea of guilty. Fine, \$50 and costs. (I. & F. No. 815. Dom. No. 14227.)

On April 1, 1921, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elmer K. Cole and I. J. Ketman, trading as the Scarless Remedy Company, Winterset, Iowa, alleging shipment by said defendants, in violation of the Insecticide Act of 1910, on or about August 17, 1918, from the State of Iowa into the State of Nebraska, of a quantity of "Besto Stock Dip" which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, borne and printed on each of the labels, affixed to each of the cans containing the said article, to wit, "BESTO STOCK DIP * * * Composed of the following ingredients: Active Ingredients Phenols 15 to 20% by volume. * * * " purported, professed and represented that the standard and quality of the article were such that it contained phenols in a proportion from 15 to 20 per centum by volume, said phenols being substances and ingredients having insecticidal and fungicidal properties, whereas the strength and purity of the article fell below the said professed standard, and quality in that it contained phenols in a proportion less than 15 per centum by volume.

Misbranding was alleged for the reason that the statement regarding the article, borne and printed on each of the labels affixed to each of the cans containing the said article, to wit, "Besto Stock Dip * * * Composed of the following ingredients: Active Ingredients Phenols 15 to 20% by volume. Hydrocarbons and pyridine 51 to 55% by volume. Soap 22% by weight. Inert ingredients water 7% " was false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that it represented that the said article contained phenols in a proportion

from 15 to 20 per centum by volume and that it contained soap in the proportion of 22 per centum by weight, whereas in fact and in truth it contained phenols in a proportion less than 15 per centum by volume and soap in a proportion greater than 22 per centum by weight.

Misbranding was alleged for the further reason that certain statements borne on the labels affixed to the said cans together with certain statements borne on the labels affixed to the cases in which said cans were packed, to wit,

(Boxes and Cans) HORSES AND CATTLE * * * Screw worms, ring worms, eczema and surfeit—Wash in solution of one part of Besto Dip to 35 parts of warm water, twice each week, and apply Scarless Liniment each day. Galls, sores, wounds and barb wire cuts—Wash wound clean in a solution of one part of Besto Dip to 15 parts of warm water, and apply Scarless Liniment each day. * * * Grease heel, scratches, and thrush—Wash when necessary to keep parts affected perfectly clean with a solution of one part of Besto Dip to 5 parts of warm water. Apply Scarless Liniment each day.

(Boxes) FOR SHEEP * * * Worms in throat or stomach—Give internally every other day for ten days a solution, three or four ounces of the solution (of one tablespoonful of Besto Dip to one quart of water).

were false and misleading, and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article, when used and applied in the strength and proportion and in the method and manner as directed thereby would be effective in healing all types and varieties of eczema and sores on horses and cattle, all types and varieties of the diseases of horses and cattle known as grease heel and scratches, and would be effective in the treatment of worms in the throats and stomachs of sheep, whereas in fact and in truth it would not.

Misbranding was alleged for the further reason that the statements regarding the article borne on the labels affixed to each of the said boxes, to wit,

FOR SHEEP Sheep ticks and scab—Dip sheep in solution of one gallon of Besto Dip to 69 gallons of warm water, * * * A sample of this product has been submitted to the Department of Agriculture for examination. We guarantee the contents of this package to be of the same composition as the sample submitted to the department, and that when diluted according to the directions printed hereon for the treatment of sheep scab it will give a dipping fluid of the composition required of a coal-tar creosote dip by the regulations of the Secretary of Agriculture governing sheep scab.

were false and misleading, and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article was of the same composition as a certain sample thereof designated "Besto Stock Dip," which has theretofore been submitted to the United States Department of Agriculture, and that when diluted according to the said statements it would give a fluid of the composition required of an article of the class and description known as coal-tar creosote dips, by the regulations of the Secretary of Agriculture governing sheep scab, and that at the time the said article was shipped, to wit, on or about August 17, 1918, the regulations of the said Secretary of Agriculture governing sheep scab permitted the use of articles of the nature and composition of the said article and of the class and description of coal-tar creosote dips to be used for the official dipping of sheep, whereas in fact and in truth the said article was not of the same composition as the said sample theretofore submitted to the Department of Agriculture, when diluted according to the aforesaid statements it would not give a fluid of the composition required of an article of the class and description known as coal-tar creosote dips, by the regulations of the Secretary of Agriculture governing sheep scab, and at the time the said

article was shipped the regulations of the said Secretary of Agriculture governing sheep scab did not permit the use of articles of the nature and composition of the article contained in the said cans, and of the class and description of coal-tar creosote dips to be used for the official dipping of sheep.

On May 3, 1921, the defendants entered pleas of guilty to the information and the court imposed fines in the aggregate sum of \$50 with costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

721. Misbranding of "Kelly's Lice Killer." U. S. * * * v. Kelly-Steinmetz, Liquor Co. Pleas of guilty. Fines, \$10. (I. & F. Nos. 855, 856. Dom. Nos. 13442, 14220.)

On October 8, 1920, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Kelly-Steinmetz Liquor Company, a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about May 29, and August 14, 1918, from the State of Minnesota into the States of Wisconsin and Nebraska, respectively, of quantities of "Kelly's Lice Killer," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the article, to wit, "Kelly's Lice Killer. * * * Directions. Use piece the size of a pea on the index finger. Rub around the vent of fowl. If large flocks are affected, treat as many as possible at one time and keep others not treated in separate quarters until treated * * *," borne and printed on each of the labels affixed to each of the cans containing the said article were false and misleading and by reason thereof the said article was labeled and misbranded so as to deceive and mislead the purchaser in that the said statements represented that the article when used and applied in the method and manner as directed thereby would be effective against lice on poultry, whereas in truth and in fact it would not.

On October 8, 1920, pleas of guilty to the informations were entered on behalf of the defendant company and the court imposed fines in the aggregate sum of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

722. Adulteration and misbranding of "Compressed Sulphurized Rock Salt for Stock." U. S. * * * v. Inland Crystal Salt Co. Plea of guilty. Fine, \$25. (I. & F. No. 950. Dom. No. 14971.)

On February 8, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Inland Crystal Salt Company, a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about March 13, 1919, from the State of Utah into the State of Washington, of a quantity of an article packed in the form of blocks and labeled in part: "Compressed Sulphurized Rock Salt for Stock" which was an adulterated insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement regarding the said article, borne and printed on each of the labels affixed to the said blocks, to wit, "Sulphurized Rock Salt for Stock—Prevents distemper, scab and other diseases." purported and professed that the standard and quality of the said article were such that it was a sulphurized rock salt, that is to say, that it contained an ingredient, to wit, sulphur in such a

proportion as to entitle it to be called sulphurized rock salt, whereas, the strength and purity of the said article fell below the said professed standard and quality under which it was sold in that in fact and in truth it was not a sulphurized rock salt, that is to say, it did not contain sulphur in such a proportion as to entitle it to be called sulphurized rock salt.

Misbranding was alleged for the reason that the article consisted completely of substances, which when used and applied in the method and manner as intended and indicated and implied by the above quoted statements on the said labels were inert substances, that is to say, substances that did not and do not prevent, destroy, repel or mitigate insects or fungi, when used and applied in said method and manner, and the names and percentage amounts of each of the said inert substances or ingredients were not stated plainly and correctly on each or any label affixed to each or any of the said blocks of the article. Misbranding was alleged for the further reason that the said statements borne and printed on each of the said labels, were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented that the article was a sulphurized rock salt and that it was effective as a preventive against the diseases of livestock known as "distemper" and "scab," whereas in fact and in truth it was not a sulphurized rock salt, nor entitled, by reason of its ingredients, to be so called, and it was not effective as a preventive against the diseases of livestock known as "distemper" or "scab" or other diseases of livestock.

On February 8, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

723. Misbranding of "Eckert's Pineoline." U. S. * * * v. George C. Eckert. Plea of guilty. Fine, one cent and costs. (I. & F. No. 939. Dom. No. 15135.)

On November 20, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George C. Eckert, Chicago, Ill., alleging shipment by said defendant, in violation of the Insecticide Act of 1910, on or about January 6, 1919, from the State of Illinois into the State of Indiana, of a quantity of "Eckert's Pineoline," which was misbranded fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that it consisted partially of inert substances or ingredients, to wit, water and mineral oil, which said inert substances or ingredients do not and did not prevent, destroy, repel or mitigate fungi, to wit, pathogenic and putrefactive fungi, and the names and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the said article, nor in lieu thereof were the names and percentage amounts of each and every ingredient of the article having fungicidal properties and the total percentage of the said inert ingredients so present therein stated plainly and correctly, or at all, on each or any label affixed to each or any of the said cans.

On March 30, 1921, the defendant entered a plea of guilty to the information and on July 1, 1921, the court imposed a fine of \$50 and costs. On July 20, 1921, the fine of \$50 and costs was vacated and the court imposed a fine of one cent and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

724. Adulteration and misbranding of "Soluble Pine Compound." U. S. * * * v. 4 Cans of "Soluble Pine Compound." Default decree of condemnation and forfeiture. Product delivered to the Salvation Army for consumption, not for sale. (I. & F. No. 1076. S. No. 119.)

On August 3, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 4 cans of "Soluble Pine Compound." It was alleged in the libel that the article had been shipped on or about June 3, 1921, by the Chemical Supply Company, Cleveland, Ohio, and that having been so transported it remained unsold in the original unbroken packages at New York, N. Y., and that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that the statements appearing on the label on each of the cans containing the said article, to wit, "Soluble Pine Compound Inert Matter 9% Water" purported and professed that the standard and quality of the said article were such that it contained inert matter or substances, that is to say, substances that do not prevent, destroy, repel or mitigate fungi, to wit, pathogenic and putrefactive bacteria that may infest vegetation or be present in any environment whatsoever, in a proportion of not more than 9 per centum of the said article, whereas, in fact and in truth it did contain such inert matter or substances, in a proportion much greater than 9 per centum thereof. Adulteration was alleged for the further reason that a substance, to wit, mineral oil, had been substituted in part for the said article, that is to say, the statements appearing on the label on each of the said cans, to wit, "Soluble Pine Compound" and in the invoice, covering the shipment of the said article, and describing the same to wit, "Soluble Pine Oil Disinfectant", purported and represented that the substance or substances composing the said article other than the soluble agents were obtained and produced from pine trees, which said statements are commonly understood and accepted to mean to apply to a substance of substances obtained and produced from pine trees together with soluble agents, and by reason of such common and general understanding and acceptance of the words contained in the said statements the article was represented to consist entirely of a substance or substances obtained and produced from pine trees together with soluble agents, whereas, in fact and in truth it did not so consist but did consist in part of mineral oil.

Misbranding was alleged for the reason that the said article was labeled so as to deceive and mislead the purchaser, that is to say, the labels on the said cans bore a statement regarding the article, to wit, "Soluble Pine Compound Inert Matter 9% Water", which was false and misleading in that the said statement represented that the article was composed entirely of a substance or substances obtained and produced from pine trees together with soluble agents, whereas, in fact and in truth it was not composed entirely of such substance or substances, but was composed of mineral oil, pine oil, soap and water. Misbranding was alleged for the further reason that the said article consisted partially of inert substances, to wit, water and mineral oil, which said inert substances, do not prevent, destroy, repel or mitigate fungi, to wit, pathogenic and putrefactive bacteria, and the said article did not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the labels affixed to the said cans and [nor] in lieu of naming and stating the percentage amounts of each and every inert ingredient,

the producer of the said article did not state plainly upon the labels affixed to the cans containing the said article, the names and percentage amounts of each and every ingredient contained in the said article having fungicidal properties [and the total percentage of the said inert substances, or ingredients.]

On November 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to the Salvation Army at their headquarters New York, N. Y., for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

725. Adulteration and misbranding of "No. 1 Coal Tar Dip and Disinfectant." U. S. * * * v. 10, more or less, Cans of "No. 1 Coal Tar Dip and Disinfectant." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1068. Dom. No. 16679. S. No. 111.)

On July 23, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 10, more or less, cans of "No. 1 Coal Tar Dip and Disinfectant." It was alleged in the libel that the article had been shipped in cases, on or about June 18, 1921, by the Chemical Supply Company, Cleveland, Ohio, from the State of Ohio into the State of Illinois, and that having been so transported it remained unsold in the original unbroken packages at Springfield, Ill., and that it was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910. It was further alleged in the libel that the said cases were labeled, to wit, "No. 1 Disinfectant," and that the said Chemical Supply Company did on or about the date of the said shipment render and transmit to the consignee an invoice covering the article and describing the same as follows: "No. 1 Coal Tar Dip and Disinfectant."

Adulteration of the article was alleged in the libel for the reason that the words regarding the said article, to wit, "No. 1 Coal Tar Dip and Disinfectant," borne on the invoice aforesaid, are commonly and generally understood and accepted to mean and to apply to a substance which consists completely of a mixture of oils derived and produced from coal tar, and phenols, soap and water, and by reason of such general understanding and acceptance of the said words, the standard and quality of the said article were represented and professed to be such that it consisted completely of a mixture of oils derived from coal tar, and phenols, soap and water, whereas the strength and purity of the said article fell below the said professed standard and quality under which it was sold in that in fact and in truth it did not consist completely of a mixture of oils derived and produced from coal tar, and phenols, soap and water, but did consist partially of a substance, to wit, petroleum oil, other than oils derived and produced from coal tar, and other than phenols, soap and water. Adulteration was alleged for the further reason that by reason of the said general understanding of the words appearing in the said invoice, the article was represented to consist completely of a mixture of oils derived and produced from coal tar, and phenols, soap and water, whereas in fact and in truth it did not consist completely of said substances, but a substance, to wit, petroleum oil, other than oils derived and produced from coal tar, and phenols, soap and water, had been substituted in part for the said article.

Misbranding was alleged for the reason that the said words borne on the said invoice are commonly and generally understood and accepted to mean and to apply to a substance which consists completely of a mixture of oils derived and

produced from coal tar, and phenols, soap and water, whereas in fact and in truth the said article was not a coal tar dip and disinfectant but was a mixture of a coal tar and petroleum oil dip and disinfectant and by reason of the said words contained in the said invoice and by reason of the composition aforesaid of the article, the said article was an imitation of and was offered for sale under the name of another article, to wit, "Coal Tar Dip and Disinfectant."

On September 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



